

REMARKS

In response to this Restriction Requirement, Applicant hereby elects Group I, with traverse (please see below).

At page 5, of the Restriction Requirement, the Examiner required an election of a single species of anti-inflammatory compound. This further requirement for restriction is also respectfully traversed (see below). In response to this requirement for an election of species of anti-inflammatory compound, Applicant hereby elects salicylic acid.

At page 5 of the Restriction Requirement, the Examiner required an election of a single species of biodegradable polymer where all variables have been specified. This further requirement for restriction is also respectfully traversed (see below). In response to this requirement for an election of species of biodegradable polymer, Applicant hereby elects the species shown at the bottom of the scheme on page 40 as Compound 1. For the Examiner's convenience, it is noted that this represents a biodegradable polymer having one or more units of the formula $-R_1-A-L-A-$, wherein R_1 is salicylic acid; each A is an ester linkage; and L is 1,8-octadiyl.

At page 6, of the Restriction Requirement, the Examiner required Applicant to elect either the presence or absence of a biologically active molecule. If presence of a biologically active molecule is elected the Examiner required the election of a single molecule. This further requirement for restriction is also respectfully traversed (see below). In response to this requirement, Applicant hereby elects the absence of a biologically active molecule.

Applicant respectfully traverses the restriction requirements described above. Under MPEP 803 a restriction requirement is improper when examination of all the claims in an application can be made without serious burden to the Examiner. Applicant respectfully submits that the pending claims can be examined without serious burden to the Examiner. The pending claims are directed to devices and methods that relate to biodegradable polymers that degrade to provide a sustained release of an anti-inflammatory compound. It is respectfully submitted that the Examiner should be able to completely search and review the related art without an undue burden. Accordingly, restriction of the pending claims is improper under MPEP 803. Withdrawal of the requirements for restriction is appropriate and is respectfully requested.

Applicant : Kathryn E. Uhrich et al.
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Page : 3 of 3

Attorney's Docket No.: 01435.028US1

At page 6, paragraph 3 of the Restriction Requirement the Examiner required the listing of all claims readable upon the elected species. In response Applicant identifies claims 1-7 and 9-15 as readable upon the elected species as defined above.

The Examiner is invited to contact Applicant's Representative at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3503. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account 50-3503.

Respectfully submitted,

Kathryn E. Uhrich et al.

By their Representatives,

Viksnins Harris & Padys PLLP

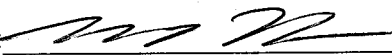
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By: 
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